



FARMERS  
BRANCH

### ORDINANCE NO. 3163

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING AN INTERIM SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT LOCATED ON PROPERTY COMMONLY KNOWN AS 12895 JOSEY LANE, SUITE 225, FARMERS BRANCH, TEXAS, AND WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (PD-8) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "A"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

**WHEREAS**, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit – Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;
4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within three (3) years from the effective date of said permit and this Ordinance; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

**WHEREAS**, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use for On-Premise Sale and Consumption of Alcoholic Beverages within a Qualifying Restaurant within Planned Development District No. 8 (PD-8) zoning district on property generally known as 12895 Josey Lane, Suite 225, Farmers Branch, Texas, and depicted in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property").

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 8 (PD-8) zoning district as well as the following special conditions:

- A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended, relative to such use;
- B. The Property shall be developed and used only in accordance with the Site Plan - Floor Plan attached as Exhibit "B" which is hereby approved;
- C. The specific use permit granted hereby is limited to a qualified restaurant operated



by Izalco Restaurante Salvadoreño; and

- D. The hours of operation shall be in accordance with the Plan of Operation set forth in Exhibit "C", attached hereto and incorporated herein by reference.
- E. The sale and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "D," attached hereto and incorporated by reference.

**SECTION 3.** The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

**SECTION 4.** The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

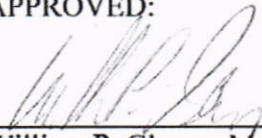
**SECTION 7.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

**SECTION 9.** This Ordinance and the right to use the Property for the purposes authorized herein shall terminate three (3) years from the effective date of this Ordinance.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 6<sup>TH</sup> DAY OF DECEMBER, 2011.**

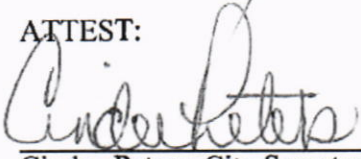
APPROVED:

  
\_\_\_\_\_  
William P. Glancy, Mayor

APPROVED AS TO FORM:

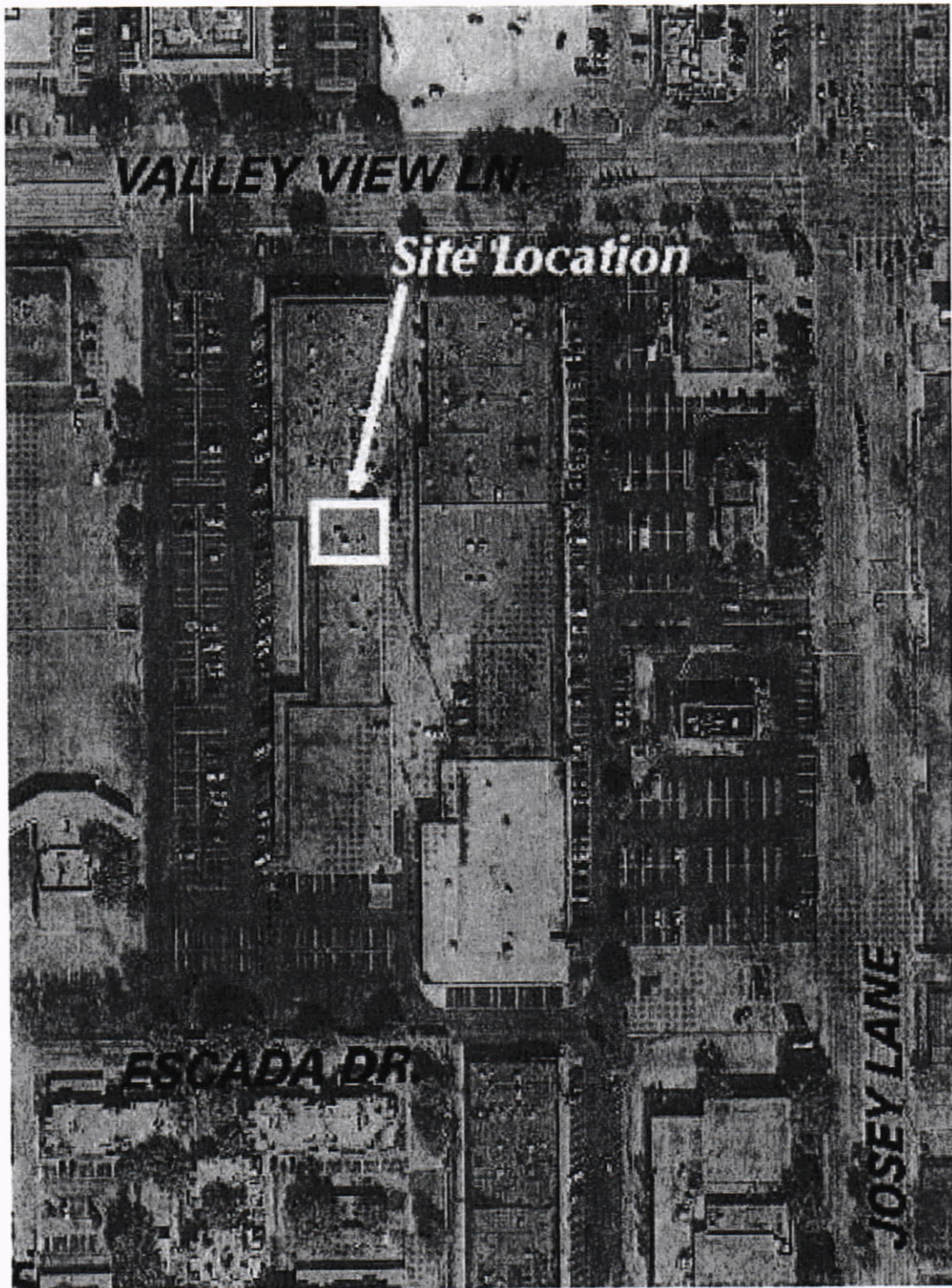
  
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Peter G. Smith, City Attorney

ATTEST:

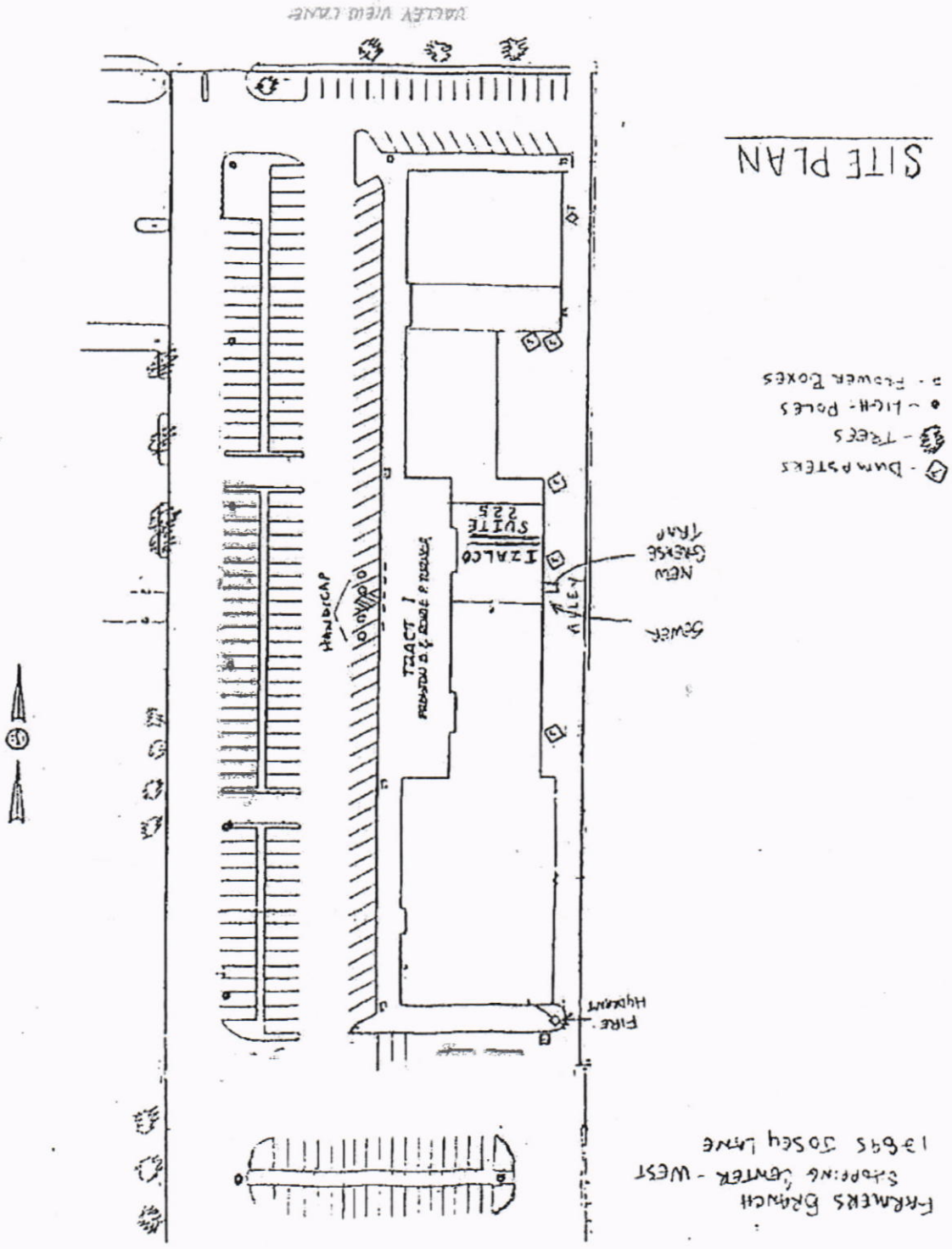
  
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Cindee Peters, City Secretary



**EXHIBIT "A" to Ordinance No. 3163**  
**Property Location and Specific Use Permit Boundary**

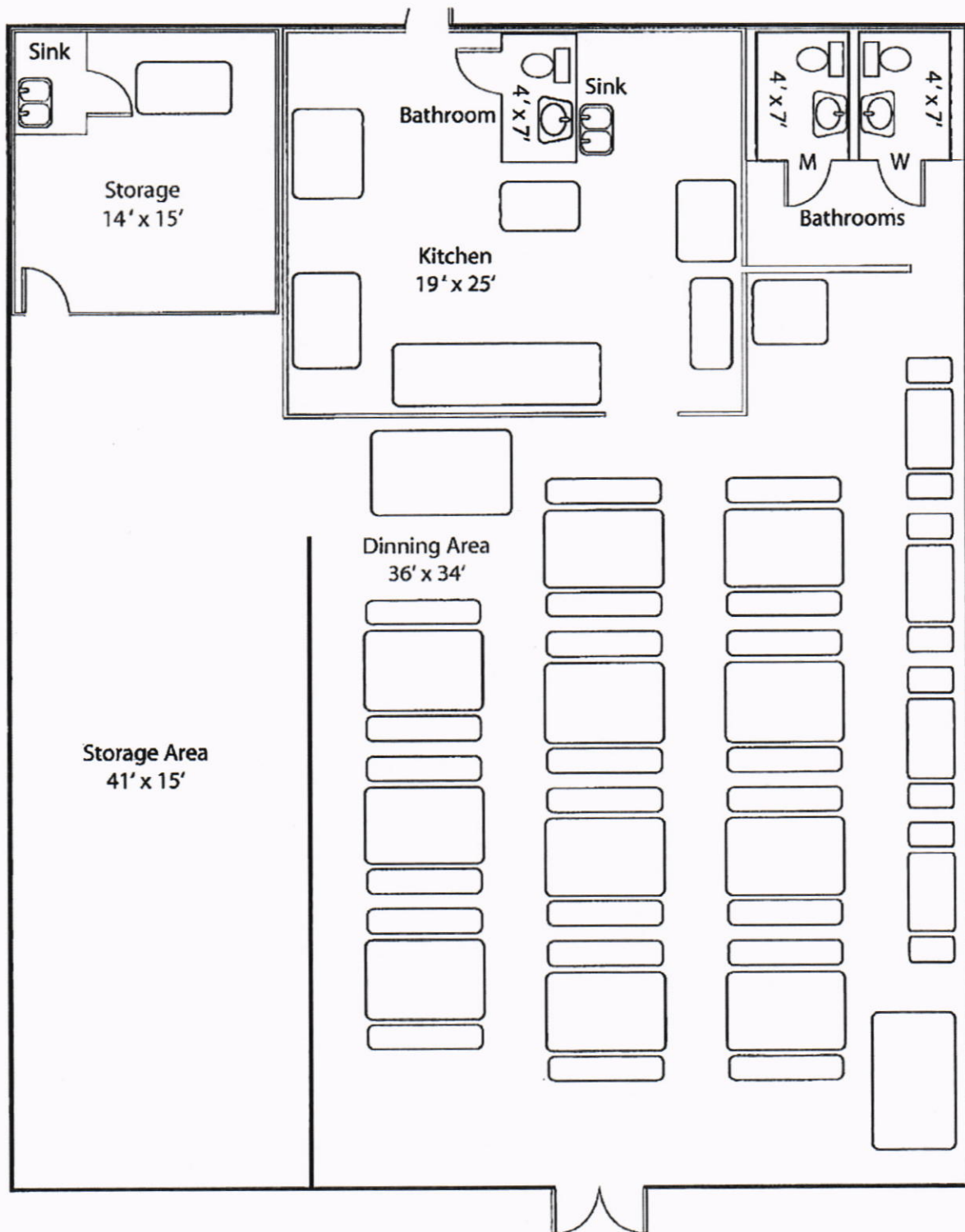


**EXHIBIT "B" to Ordinance No. 3163**  
**Site Plan**





**EXHIBIT "B" to Ordinance No. 3163**  
**Site Plan – Floor Plan**



**EXHIBIT "C" to Ordinance No. 3163**  
**Plan of Operation**



**Planning & Zoning Commission of the City of Farmers Branch**  
**Application for Specific Use Permit**

**PLAN OF OPERATION**

**All non-residential uses must provide the following information with the application:**

Describe proposed use Salvadorian Restaurant -  
Sale of alcoholic Beverages (Beer+Wine only)  
within Restaurant

Indicate hours of operation of the proposed use open 7 days a week  
10AM-10PM; sale of alcohol (Beer+Wine) the same

Total number of employees 1-4

Indicate if any storage is proposed outside the building N/A

Indicate if any activity is proposed outside the building N/A

Any other relevant unique information on the business or site N/A



**EXHIBIT "D" to Ordinance No. 3163**  
**Alcohol Awareness Program**

Izalco  
Restaurante Salvadorenio  
12895 Josey Lane, Suite 225  
Farmers Branch, TX 75234

**Alcohol Awareness Program**

Izalco Restaurante requirements for alcohol service are as follows:

- 1.) Izalco Restaurant will require wait staff and managers to attend a State approved alcohol-serving program. The program will be approved by the Alcoholic Beverage Code.
- 2.) Izalco Restaurant wait staff and managers will take a written examination at the completion of the State approved alcohol serving program.
- 3.) Customers will provide a legal picture ID that will consist of one the following: Driver's License, Military ID, State ID or Passport upon request.
- 4.) Izalco Restaurant manager will be on duty to ascertain whether or not a customer will be served alcohol.
- 5.) Izalco Restaurant will abide by the Texas Penal Code.
- 6.) Izalco Restaurant will abide by the Texas Alcoholic Beverage Code.
- 7.) All of Izalco Restaurant employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
- 8.) Only Izalco Restaurant wait staff will serve alcoholic beverages and all alcoholic beverages will be served for consumption inside the restaurant only.
- 9.) All customers who purchase alcohol beverages must be at least 21 years of age.
- 10.) Alcoholic Beverage will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
- 11.) Anyone that is or is believed to be intoxicated will not be permitted to remain on the premise.
- 12.) Izalco Restaurant will call a cab to transport anyone who is, or believe to be intoxicated.

**EXHIBIT "D" to Ordinance No. 3163**  
**Alcohol Awareness Program (cont.)**

- 13.) Any unlawful acts will be reported to the police.
- 14.) No alcoholic beverage will be sold before opening.
- 15.) No alcoholic beverages will be sold after closing.
- 16.) Izalco Restaurant will not hang any exterior signs advertising the sell of alcohol.
- 17.) Izalco Restaurant gross sell of food shall be at least 60% of gross sales for each quarterly reporting period.
- 18.) Izalco Restaurant shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non alcoholic beverage sales of the restaurant total gross sales.